

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:11CR3137
	)	
v.	)	
	)	
TORRIA KAE GONZALEZ,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

The defendant filed three motions in June of 2016. Each are frivolous or, if not frivolous, entirely lacking in merit. I therefore deny them, but briefly address them in turn:

\* The two § 2255 motions (filing no. [57](#) and filing no. [58](#)) are barred by the one-year statute of limitations as the defendant was sentenced on November 7, 2012 and there was no appeal. There is no adequate showing that equitable tolling or some other excuse justifies the late filings.

\*\* To the extent the two § 2255 motions (filing no. [57](#) and filing no. [58](#)) raise the *Johnson* case as a reason for relief, *Johnson* does not apply because the career offender enhancement in this case was based upon two prior felony drug convictions.

\*\*\* The motion to reduce the defendant's sentence under Amendment 782 (filing no. [60](#)) was previously taken up and denied (filing no. [56](#)) because the defendant is a career offender. Her status remains the same.

IT IS ORDERED that:

1. The two § 2255 motions (filing no. [57](#) and filing no. [58](#)) are dismissed and denied with prejudice. A separate judgment will be entered.
2. No certificate of appealability is granted.
3. The motion to reduce the defendant's sentence under Amendment 782 (filing no. [60](#)) is dismissed and denied with prejudice

DATED this 10<sup>th</sup> day of August, 2016.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge